

Remarks

I. Status of the Claims

By this Amendment, claim 9 has been canceled and claims 1-7, 10, 11, 13, 15, 18 and 20-46 remain pending. Claims 36-38 have been amended to depend from claim 35 in order to provide proper antecedent basis. Accordingly, no new matter has been introduced by this Amendment.

II. The Rejections Under 35 U.S.C. § 112 Second Paragraph

Claim 9 was stated to be indefinite because "the limitations therein have already been defined in claim 1." Applicants have canceled claim 9.

Claims 36-39 were stated to be indefinite for failing to provide proper antecedent basis for "the water soluble material" or the "water insoluble material." Claims 36-39 were amended to depend from claim 35, thereby overcoming the rejection.

III. The Rejection Under 35 U.S.C. § 102

The Examiner has rejected claims 1, 3, 9, 11, 15, 18, 21, 24-26, 29-36, 39-41 and 46 under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 3,860,349 ("Scott"). Applicants respectfully traverse this rejection.

The present claims are directed to a device comprising: (a) at least one gathered piece of three-dimensional textured film having textured variations; and (b) a securing means for substantially permanently holding the at least one gathered piece of textured film together; wherein said textured film has an open area of no more than about 45%, based upon the total area of the textured film. See claim 1. Claim 24 relates to a device comprising: at least one piece of three-dimensional textured film, wherein the device is in the form of a spherical poof, a mitt, a cloth having at least about 1.3 textured variations/cm², a glove, a plurality of textured film appendages attached to a holding means or a textured film pad attached to a holding means, wherein said textured film has an open area of no more than about 45%, based upon

the total area of the textured film. As discussed in the Specification, the devices of the claimed invention are not only gentle to the skin but also capable of creating superior lather when used with a typical liquid cleanser. Spec., page 2, lines 6-7.

In contrast, Scott relates to a bathing accessory made of sponge, plastic and bristles. The Examiner relies upon Figure 2, stating that 12 is a three-dimensional textured film. Applicants respectfully disagree. Scott specifically teaches that 12 is a plastic fabric. See col. 1, lines 39-40. Accordingly, Scott fails to teach a device according to the claimed invention comprising a three-dimensional textured film and therefore fails to anticipate the claims. Applicants therefore request withdrawal of this rejection.

IV. The Rejection Under 35 U.S.C. § 103

The Examiner has rejected claims 2, 4-7, 10, 37, 38 and 42-45 as allegedly unpatentable over Scott. Applicants respectfully traverse this rejection.

As discussed above, Scott fails to teach a device according to the claimed invention comprising a three-dimensional textured film. There is nothing in the teachings of Scott that would provide one of ordinary skill in the art with the suggestion or motivation to replace the plastic fabric taught by Scott with a textured film in order to arrive at Applicants' claimed invention. Accordingly, Scott cannot render the claimed invention obvious and the rejection should be withdrawn.

V. Conclusion

Applicants believe that the foregoing presents a full and complete response to the outstanding Office Action. An early and favorable response to this Amendment is earnestly solicited. If the Examiner feels that a discussion with Applicants' representative would be helpful in resolving the outstanding issues, the Examiner is invited to contact Applicants' representative at the number provided below.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 10-0750/JBP-480/EMH.

Respectfully submitted,



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